

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p>HENRY P. AND JANIS L. PARTYKA,</p> <p>v.</p> <p>Respondent:</p> <p>LARIMER COUNTY BOARD OF EQUALIZATION.</p>	<p>Docket No.: 51833</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on March 23, 2010, Louesa Maricle and MaryKay Kelley presiding. Henry P. Partyka appeared pro se for Petitioners. Respondent was represented by Jeannine S. Haag, Esq. Petitioners are protesting the 2009 actual value of the subject property.

PROPERTY DESCRIPTION:

Subject property is described as follows:

**7355 Royal Country Down Drive, Windsor, Colorado
(Larimer County Schedule No. R1624577)**

The subject property is a 3,386 square foot two-story home with unfinished walkout basement and three-car garage. Built in 2006, it sits on a 9,171 square foot cul-de-sac site backing to the Highland Meadows Golf Course.

Respondent assigned an actual value for tax year 2009 of \$703,700.00. Petitioners are requesting a value of \$541,200.00.

Petitioners purchased the subject property from the builder for \$740,500.00 on July 20, 2006. This price included a \$109,500.00 golf course lot premium, \$15,000.00 for landscaping, \$11,500.00 for carpet and hard surface upgrades, and \$10,000.00 for granite upgrades. Mr. Partyka argued that these upgrades should have been included in the base price of \$527,800.00. Petitioners are

requesting an additional 10% reduction of the subject property's improvement value for market conditions, concluding to a value of \$541,200.00.

Mr. Partyka presented two comparable sales for comparison of actual values. No adjustments were made to the sales. Petitioner's third and fourth properties were omitted from consideration because they were not sales.

Petitioners presented twelve broker-provided sales ranging in sales price from \$430,000.00 to \$620,000.00. No adjustments were made to the sales, and insufficient data was provided for comparison.

Mr. Partyka testified to the comparability of 8459 Sand Dollar, which has the same floor plan as the subject property. Presenting its actual value, he provided neither sufficient information nor sales price for comparison.

Respondent presented an indicated value of \$703,700.00 for the subject property based on the market approach. The witness presented three comparable sales ranging in sales price from \$624,800.00 to \$745,000.00 and in size from 3,047 to 3,650 square feet. After adjustments were made for time, size, basement size and finish, garage size, and quality, the sales ranged from \$660,684.00 to \$729,254.00. Sale 1, with an adjusted sales price of \$717,700.00, was given most weight because of its similarity in size and construction quality.

Respondent's witness presented a comparison grid for homes on the subject street as support for the sales comparison analysis. Prices per square foot ranged from \$192.00 to \$303.00, the subject falling mid range at \$218.00 per square foot.

Respondent gave no weight to Petitioners' two comparable sales; Sale 1 because it was 457 square feet smaller than the subject and Sale 2 because it was 557 square feet smaller and average quality construction in comparison with the subject's good quality (large size, considerable buyer upgrades, good quality materials and workmanship, and efficient floor plan with considerable closet space).

Respondent gave no consideration to Petitioners' twelve broker-provided sales. None was in the immediate area, some were not in the subject subdivision, eight were not on the golf course, and some were built of average construction quality. Also, their square foot totals could not be identified as solely prime living space.

Respondent presented sufficient probative evidence and testimony to prove that the subject property was correctly valued for tax year 2009.

The Board disagrees with Petitioners that the subject property's base price should include upgrades and premiums. The total purchase price of \$740,500.00 included a golf course premium, landscaping, and upgrades.

Respondent's witness correctly completed a site-specific appraisal of the subject property, comparing sales of similar properties and adjusting for physical characteristics. Petitioners' sales

data was incomplete and carried no adjustments for differences. A comparison of comparable sales' actual values is not appropriate; residential property must be valued using the market approach to appraisal which considers sales of comparable properties.

ORDER:

The petition is denied.

APPEAL:

If the decision of the Board is against Petitioner, Petitioner may petition the Court of Appeals for judicial review according to the Colorado appellate rules and the provisions of Section 24-4-106(11), C.R.S. (commenced by the filing of a notice of appeal with the Court of Appeals within forty-five days after the date of the service of the final order entered).

If the decision of the Board is against Respondent, Respondent, upon the recommendation of the Board that it either is a matter of statewide concern or has resulted in a significant decrease in the total valuation of the respondent county, may petition the Court of Appeals for judicial review according to the Colorado appellate rules and the provisions of Section 24-4-106(11), C.R.S. (commenced by the filing of a notice of appeal with the Court of Appeals within forty-five days after the date of the service of the final order entered).

In addition, if the decision of the Board is against Respondent, Respondent may petition the Court of Appeals for judicial review of alleged procedural errors or errors of law within thirty days of such decision when Respondent alleges procedural errors or errors of law by the Board.

If the Board does not recommend its decision to be a matter of statewide concern or to have resulted in a significant decrease in the total valuation of the respondent county, Respondent may petition the Court of Appeals for judicial review of such questions within thirty days of such decision.

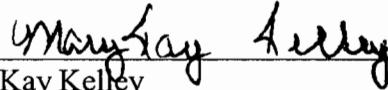
Section 39-8-108(2), C.R.S.

DATED and MAILED this 24th day of May 2010.

BOARD OF ASSESSMENT APPEALS



Louesa Maricle



MaryKay Kelley

I hereby certify that this is a true and correct copy of the decision of the Board of Assessment Appeals.



Heather Flannery

